IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
V.) CASE NO. 1:21-CR-339-RAH
)
LEROY THOMAS JOYNER, JR.)

<u>ORDER</u>

On November 18, 2022, the Magistrate Judge recommended that the Motion to Dismiss the Indictment (Doc. 19) filed by Defendant Leroy Thomas Joyner, Jr., should be granted, that the Indictment (Doc. 1) should be dismissed without prejudice, and that all pending motions should be denied as moot. (Doc. 65.) On November 29, 2021, the Defendant filed Objections (Doc. 70), specifically arguing the dismissal should be with prejudice. On that same day, the Government filed a motion (Doc. 71) seeking leave to dismiss the indictment without prejudice. On January 21, 2022, the Court heard oral argument on the motions.

Upon review of the Indictment and consideration of the motions and responses of the parties, as well as the matters discussed during oral argument, the Court concludes that the objections should be overruled and the Recommendation (Doc. 65) adopted.

Accordingly, it is ORDERED as follows:

- (1) The Objections (Doc. 70) are OVERRULED;
- (2) The Recommendation of the Magistrate Judge (Doc. 65) is ADOPTED;
- (3) To the extent the Defendant seeks dismissal of the indictment, the Motion to Dismiss the Indictment (Doc. 19) is GRANTED.

(4) The Motion for Leave to Dismiss Indictment without Prejudice and Motion to Dismiss Indictment without Prejudice (Doc. 71) filed by the Government is GRANTED and the Indictment (Doc. 1) is DISMISSED without prejudice.

(5) All pending deadlines are terminated, and all pending motions, including the request for a stay pending receipt of subpoenaed documents from Verizon, are DENIED as moot.

DONE, on this the 27th day of January, 2022.

/s/ R. Austin Huffaker, Jr.
R. AUSTIN HUFFAKER, JR.
UNITED STATES DISTRICT JUDGE